IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.5392 of 2007

Date of Decision: October 18, 2007

Basti Ram and another .....Petitioners

Versus

Kuldip Singh .....Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.RC Gupta, Advocate for the petitioner.

S. D. ANAND, J.

In a concurrence of views, the learned Rent controller and also the learned Appellate Authority recorded a finding that the respondent-landlord had been able to prove that he had bonafide requirement of the premises for his personal use.

2. Learned counsel for the petitioners argues that an earlier petition filed by the respondent-landlord had been allowed by the learned Rent Controller. The matter was compromised in appeal and the petitioners were allowed to continue in occupation of the shop in dispute. This, learned counsel proceeds to argue, proves that there is no bonafide requirement on the part of the respondent-landlord to get the shop in dispute vacated.

3. The learned counsel is reading too much into the fact of aforementioned compromise. As per the findings recorded by both the Courts, the previous ejectment proceedings were compromised by the respondent-landlord in order to be able to raise funds for the treatment of

his terminally ill wife. The relevant plea raised by the respondent-landlord was upheld by the learned Rent Controller and also the learned First Appellate Authority.

4. Learned counsel for the petitioners, then, finds fault with the fact that the respondent-landlord has opted to shift from Dehradun to Yamuna Nagar but it is at the former place that the landlord had opted to settle down after retirement and was running a shop within the premises of a residential house belonging to his parents-in-law.

5. The plea aforementioned is oblivious of the testimony on oath of respondent-landlord that the shop aforementioned in the area of village Balawala (District Dehradun) was not fetching good dividend to him. He has to fend for four daughters, all of whom are College going students. He has a terminally ill wife. All his relations are settled at Yamuna Nagar. He wants to settle at Yamuna Nagar to be amidst his relations. There is nothing unnatural in the entertainment of that desire on the part of the respondent-landlord.

6. There is nothing irregular in the manner of appreciation of evidence by the learned Rent Controller and also the learned First Appellate Authority.

7. Dismissed.

(S. D. ANAND)
JUDGE

October 18, 2007
SRM

Note: Whether referred to reporter ? Yes/No